

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MARYLAND**

**UNITED STATES OF AMERICA**

\*

v.

\*

**CRAIG ALLEN SHEPPARD,**

\*

**Criminal No.: WDQ-11-259**

**Petitioner.**

\*

**Civil No. : WDQ-14-1925**

...oOo...

**GOVERNMENT'S MOTION TO STAY PROCEEDINGS**

The United States of America, by its undersigned counsel, hereby files this Motion to Stay proceedings regarding the second Motion to Vacate or Correct Illegal Sentence pursuant to 28 U.S.C. § 2255 filed by the Craig Allen Sheppard. For the reasons stated below, the Court should grant the Motion to Stay Proceedings .

1. Defendant filed a motion for post-conviction relief on June 13, 2014, relying upon *United States v. Whiteside*, 748 F.3d 541 (4<sup>th</sup> Cir. 2014), which was decided on April 8, 2014. *Whiteside* held that as a matter of first impression, an erroneous application of the career offender enhancement amounts to a fundamental miscarriage of justice that is cognizable on collateral review. *Whiteside* also held that the one year statute of limitations would be equitably tolled for a defendant so affected.

2. On July 10, 2014, the Fourth Circuit granted a petition for rehearing *en banc* on the issues presented in *Whiteside* and which are certainly dispositive of Petitioner's claim to be entitled to a re-sentencing as a non-career offender, even though he was in fact a career offender at the time of his sentencing.

3. The Petitioner is incarcerated and the government does not know whether Petitioner objects to this motion.

WHEREFORE, in the interest of judicial economy, the government moves this Court grant a stay of proceedings, and stay of the scheduling order in this case until such time as the Fourth Circuit decides *en banc*, *Whiteside v. United States*.

Respectfully submitted,

Rod J. Rosenstein  
United States Attorney

By: /s/  
A. David Copperthite  
Assistant United States Attorney  
36 South Charles Street, Fourth Floor  
Baltimore, Maryland 21201

I HEREBY CERTIFY, that a copy of the foregoing Motion was mailed to the Petitioner at his place of incarceration.

By: /s/  
A. David Copperthite  
Assistant United States Attorney